

REMARKS

Reconsideration and allowance of the application as amended is respectfully requested.

1. The Examiner has rejected a number of the claims under 35 USC §102 as being anticipated by U.S. Patent Number 6,073,840 to Marion. Marion is a patent that discloses in its claims certain configurations of data handling and processing in a gas station/mini mart. The gas station disclosed in the patent to Marion includes an area in which vehicles are fueled with gasoline. Another area is a carwash, and other areas within the complex include a quick serve restaurant that has a drive thru with order pick up, and a convenience store in which convenience items are sold.

2. The point of the system described in Marion is that a driver can drive up to the gas station and be recognized by electronic devices. Once the driver is recognized, he/she may pay for their gas electronically at the pump, and while paying, they may also pay for other goods and services that he/she plans to receive at the gas station complex. Thus, while he/she is at the gas pump, he/she can pay for a carwash and can order food, as well as pay for the gas. After the transaction has been made, electronic sensing devices keep track of the position of the customer so the customer can drive around to the carwash and the carwash will know that he/she has already paid. The customer can then drive through the drive thru and pick up food and the system will keep track of where the he/she is and what he/she has ordered.

3. The system of Marion has several significant differences from the system of the invention. These differences are the very things that make the system of Marion complicated and impractical, while the system of the invention is simple, flexible and workable.

4. In Marion, the driver has a transponder that can be in the form of a key attachment, a credit card sized transponder or a transponder that is attached to his/her vehicle. As the customer approaches the gas pump or other payment stations in the gas station complex, the user's presence is sensed and the identity is determined. The gas pump control panel contains a complex payment system which includes a device that recognizes the identity of the transponder, and a computer system that relays the details of the sale to a computer centralized in the gas station office. Thus, in Marion the device that identifies the user is a simple signal-sending device. The user then manually interfaces with a payment interface, which sends payment and customer identification information to the computer in the back room of the office.

5. The system of the invention is opposite to the system of Marion in certain ways. In the current invention, a beacon is associated with a physical object. If the current invention were installed in the context of the gas station of Marion, a beacon could be attached to the gas pump. In its simplest form, the beacon is a simple device that sends out an identification signal when it receives a signal. The signal can be merely an identification code or an identification number that is unique to that particular gas pump. That signal is sent to the information-receiving device held by the user. This would typically be an internet connected PDA or Personal Digital Assistant, such as a Palm, Blackberry or Sony handheld PDA device. The PDA of the user would receive the identification number of the beacon on a particular gas pump and relay

RESPONSE TO OFFICE ACTION - 13

that information wirelessly through the Internet to a system server. The system server would route the PDA to a website that had information relating to the particular gas pump that had been identified. Information that was on that website particular to that gas pump would then be relayed to the PDA, and the user would thus obtain information about that particular gas pump associated with that particular beacon. If the system of the invention were installed in the gas station context of Marion, the user could then go to the carwash portion of the complex and interact with a beacon associated with that carwash. He/she could also go to the food service restaurant or the mini mart and interact with individual beacons that are located there. In the context of a gas station, he/she would probably be interacting with websites that enable the user to select products to buy and to coordinate payments for those products. In other contexts, the information downloaded to the PDA might be in the form of text, pictures or explanatory information such as information about a particular car in a car lot. Downloaded information in that situation would be information about mileage, accessories, engine size, etc.

6. What makes the present invention practical, whereas that of Marion is so complicated as to be not practical, it is that in the present invention the beacon device can be a fairly simple structure. In its simplest embodiment, it only needs to contain enough information to send out a signal identifying itself. This can be an identification number or identification code. The complexity is in the PDA that is held by the user. These devices are already common and contain sufficient memory and computing power, as well as the ability to connect to the internet to make the system easily functional on a PDA. However, the main feature of this device, which makes it flexible and practical, is that the information is stored on a server that can be accessed

RESPONSE TO OFFICE ACTION - 14

through the internet. In this way, the information is totally changeable and the system can accommodate more than just financial transactions at a gas station. It can also operate with an infinite number of beacon devices because only one is accessed at a time and the information for that beacon is stored on the internet. By doing it this way, the information on a particular beacon can be easily updated, and different beacon devices can have totally different information or can include a mix of information as well as transaction procedures. This is in contrast to Marion, which discloses a computer system in the back room of the gas station. The configuration of Marion also requires a complicated user interface at the gas pump, which is likely to become outdated, and in order to be updated it must have a new installation of interface hardware and management software in the computer in the back room of the gas station.

7. Claim 1 (revised) claims a user held information receiving device. The information receiving device includes a transmit signal transmission unit, a response signal receiving unit, a display device and an internet accessing unit built into the information receiving device. These features are not present in the devices and system disclosed by Marion. By contrast, in Marion the device associated with the user is a simple device that merely relays an identification code. None of the devices of Marion include an internet accessing unit. The device disclosed in Claim 1 also includes a system server that receives the access signal and associates the access signal with a pre-selected website associated with that beacon identification number. The server then directs the internet accessing unit to retrieve information from the pre-selected website. These are components and functions that are not performed nor suggested in Marion.

For these reasons, we believe that a 35 USC §102 rejection is not appropriate.

RESPONSE TO OFFICE ACTION - 15

8. Claims 2 and 3 have been canceled and Claim 1 has been modified so that those claims that depend from it are also allowable over a 102 rejection.

9. The Examiner has rejected Claims 19-25 under 35 USC §103(a) in view of Marion in view of Yamazaki.

10. Yamazaki is an electronic book with a display and a solar cell.

11. Claim 19 of the present invention is dependent from revised Claim 1, which contains features that are not disclosed and not suggested in Marion. Claim 1 is discussed above. Yamazaki (U.S. Pat. No. 5,339,091) does not teach the features of the device that are claimed in the revised Claim 1. Adding a solar cell to Marion is not suggested and even adding a solar cell to Marion does not result in the system of the invention.

11. Claims 20, 21, and 22 are ultimately dependent from Claim 1, which has features that are not disclosed nor suggested by Marion. Therefore, Claims 20-22 should not be rejected as being obvious modifications of Marion.

12. Regarding Claim 23, the Examiner notes that Marion teaches one or more beacon devices each with the components described in Claim 22. The Examiner equates the present inventions internet accessing control logic for accessing an internet site and downloading internet information from the internet site to the disclosure in Marion in col. 10, lines 52-59. The device of Marion that is equivalent to the beacon of the present invention is either the transponder 64 or the personal transponder 66, shown in Figs. 2A, 2B and 2C, or what is termed the "Interrogator" described in Marion col. 6, lines 27-34. The interrogator can be a dispenser interrogator 52, which is built into the gas pump. The interrogator 52 senses the presence of the transponder 64

RESPONSE TO OFFICE ACTION - 16

or 66, and identifies who the customer is. However, neither the transponder 66 or 64, nor the interrogator 52 has an internet accessing control logic.

13. One of the fundamental logics of the present invention is that information specific to a beacon is stored in an internet location, which is accessed when signaled by the beacon. The information can either come to a user's PDA, or in the case of Claim 23, the information can be sent directly to the beacon for access by the user. However, neither the transponder nor the interrogator of Marion has an internet accessing control logic for accessing information such as this.

14. By contrast, the system shown in Fig. 9, described in Marion in col. 10, lines 44-59, show the logic of the back room computer, the central control system 50. This is basically the back room computer that is located in the fueling operation office. It includes a dedicated network or authorization interface 238, which connects to a remote site through a network for authorizing credit and debit transactions. This means that some sort of network is used specifically for the purpose of looking up a user's name or credit card number, and authorizing a purchase. This is no different than a phone authorization that is used in any gas station to verify the acceptability of a credit card at present.

15. This use of a network is not the same as accessing an internet site which has information specific to a beacon number, nor does it suggest this method. In fact, it teaches away from use of the internet for controlling information, and specifically teaches use of a proprietary network with credit information. Although col. 10, line 56 states that "an internet interface may also be provided for transaction and other information relating to operation, advertising,

merchandising and general inventory and management functions,” the system of the invention in which 100% of the information for each beacon is stored on the internet and accessible through the beacon is ultimately to be received by a user on a handheld computing device such as a PDA.

16. In discussing Claim 23, the Examiner states that the information-receiving device, which is a handheld computing device, of the invention is equivalent to the device of Marion. However, the interrogator 52 of Marion is basically the opposite of a handheld computing device with a signal transmission and receiving function and a display device. In Marion, those functions are built into a stationary object such as the gas pump, and the user carries the beacon. Although these two devices have similar features as the beacon and handheld computing device of the invention, their function is totally the opposite. Thus, the information-receiving device carried by the user of Marion (handheld) is not a computing device, does not send a transmit signal, does not receive an information signal, does not display information from the beacon on the handheld computing device and does not contain memory means. The gas pump device of Marion may have these features but the device held by the user does not have these features and thus could not operate in the same way as the present invention. Further, the interrogator in the gas pump does not have an internet connection capability. The computer system in the back room of the gasoline-dispensing complex does have that ability primarily for checking for the acceptability of credit cards.

17. Regarding Claim 24, the present invention specifies that it operates with two separate devices, a beacon device and a handheld computing device. These are roughly equivalent to the transponder 66 of Marion and the interrogator 52 of Marion, except that in the present invention their roles and functions are basically reversed. The transponder of Marion is handheld and simply transmits an identification signal. This is in contrast to the handheld device of the present invention, which is a handheld computer with signal transmission and receiving functions, a display device, memory means and an internet access unit built into the information receiving device. The transponder of Marion does not have these features.

18. The interrogator 52 of Marion does have many of these features, but it is built into a gas pump and therefore stationary, and cannot be carried around by the user in a handheld fashion, and can not be used by the user to interact with a number of physical objects located in diverse locations and their beacons. Also, it does not have an internet accessing unit, but accesses a proprietary network for verifying credit card information. These differences make the system described in Claim 24 and that of Marion very different, and the system of Marion basically teaches away from the present system. The present system therefore differs from Marion in its basic logic, although both components of the present system have counterpart functions in that of Marion.

19. Regarding claim 25, the Examiner equates the steps of operating the system of Marion with the method described in Claim 25. However, as noted above, Marion's equivalent to the beacon device is the transponder. The transponder is carried by the user, and is not attached to a physical object. Furthermore, it does not contain an internet accessing control logic,

RESPONSE TO OFFICE ACTION - 19

nor a memory means. Similarly, the interrogator 52 of Marion is not handheld and may not be carried around by the user, and does not access an internet site for downloading information pertinent to an object with which the beacon device is associated. For these reasons, Claim 25 is not obvious in view of Marion.

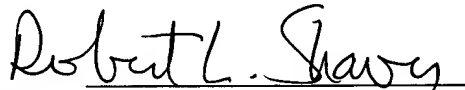
20. For these reasons, and in view of the modifications made to the claims that more clearly differentiate the present invention from Marion, the Applicant requests allowance of the claims as revised.

CONCLUSION

For all the reasons given above, Applicants respectfully submit that the errors in the specification are corrected. Accordingly, Applicants submit that this application is now in full condition for allowance, which action Applicants respectfully solicit. If the Examiner feels it would advance the application to allowance or final rejection, he is invited to telephone the undersigned at the number given below.

DATED this 2nd day of September 2004.

Very respectfully,



ROBERT L. SHAVER
Reg. No. 42,145
(208) 345-1122